

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, February 6, 2013

5:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

Perry Bolyard, Chair
Lindsay Holt-Tofte
James S. Jones
Ed Ogilvie
Jeremy D. Lapin, P.E.
Dennis Peters
Jennifer Shah

City Staff:

John Park, City Manager
Brian Berndt, Community/Economic Development Dir.
Larry Gardner, Planner
Shane Topham, City Attorney
Planning Technician, Mike Johnson
Kory Solorio, Deputy City Recorder

Others Present:

Youth City Council Representative Steven Deng
Wasatch Stake Scout Troop
Michael Wardle
Mary Nunley
James Nunley
Douglas Shelby
Abey Verbagoshi

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Bolyard called the meeting to order at 6:00 p.m. and welcomed those present. He acknowledged the presence of the Wasatch Stake Scout Troop.

2.0 CITIZEN COMMENTS

There were no citizen comments.

3.0 PUBLIC HEARINGS

3.1 (Project #CU 13-001) Public Comment on a Request from Reagan Outdoor Advertising for Conditional Use Approval to Replace One Face of the Billboard

Located at 6993 South Highland Drive with an Electronic Display Sign (Digital Billboard) and Operate the Electronic Display Sign at the Same Location

Planner Larry Gardner presented the staff report and stated that Reagan Outdoor Advertising would like to replace the north face of its existing billboard. This change is allowed according to the Electronic Display Sign Ordinance but is very restrictive. Mr. Gardner stated that the billboard is large and is visible to anyone traveling southbound on Highland Drive or viewing it from the north. Because it is within 600 feet of a residentially zoned property the lighting on the sign must be dimmed or turned off at 11:00 p.m. nightly. Mr. Gardner stated that the applicant's proposal complies with all City ordinances.

Jared Johnson of YESCO Outdoor Media remarked that YESCO is the supplier of the proposed signs and reported that each of the three sites were reviewed with staff, the City Council and the Planning Commission during the ordinance revision to ensure compliance. He noted that one of the locations is in a high traffic commercial area and there will be a single face on the sign facing north to inbound traffic.

Commissioner Shah asked how much light will trespass into the homes from the signs in the evening.

Mr. Johnson said he does not anticipate any increase in illumination and stated that the proposed sign will not be any brighter at night. He explained that the lighting in LED signs are considerably dimmer at night and will result in less light trespass.

Commissioner Jones asked if the sign will be equipped with LEDs and what the advantage is of LED lighting.

Mr. Johnson responded that LED lights project light better and make it easier to see at all angles.

Brett Perkins expressed concern that the sign will create a traffic hazard and distract drivers. He is also worried that all four signs in the area will eventually be LED and detract from his business.

Leslie VanFrank from Reagan Outdoor Advertising stated that the ordinance was carefully crafted so that only the one sign facing the intersection can become an LED sign.

There were no further public comments. The public hearing was closed.

3.2 (Project #CU 13-002) Public Comment on a Request from Reagan Outdoor Advertising for Conditional Use Approval to Replace One Face of the Billboard Located at 7147 South Union Park Avenue with an Electronic Display Sign (Digital Billboard) and Operate the Electronic Display Sign at the Same Location

Planning Technician Mike Johnson presented the staff report and stated that the application is to convert the north facing sign to an electronic display. He described the zoning in the area and explained that the required 600 feet intersects some residential development to the south, however, the homes would not be affected because the proposed sign faces the opposite direction.

Commissioner Jones asked about the height of the sign.

Mike Johnson replied that it will be 14 feet tall and roughly 45 feet above the ground.

Michael Liljenquist identified himself as the owner of the property immediately to the north of the sign, known as The Park Center Shopping Center. He is unaware of the impacts of the sign and wants to better understand the proposal. He explained that there is a V-shaped sign only 107 feet away and is concerned that it could detract from the shopping center sign and that the location may not be appropriate because it is such a busy intersection. Mr. Liljenquist requested time to research the traffic issues and potential impacts of the sign on his tenants.

Chair Bolyard indicated that the issue had already been studied thoroughly but would appreciate a report from Mr. Liljenquist once he conducts his research. Chair Bolyard suggested the public hearing be left open for two weeks to allow additional comments via email. The decision was made to leave the public hearing open until the next meeting.

Mr. Liljenquist agreed to work with staff and Reagan Outdoor Advertising to get answers to his questions. He would also seek to obtain third party research and information.

Ms. VanFrank asked for a copy of written comments submitted over the next month.

Motion: Commissioner Peters moved to extend the public hearing until March 28, 2013, at which time it will be closed prior to the next Planning Commission Meeting scheduled for April 3. Commissioner Jones seconded the motion.

Ms. VanFrank asked that Reagan Outdoor Advertising be given two weeks to prepare a response to Mr. Liljenquist's findings.

Dewey Reagan, President of Reagan Outdoor Advertising, reported that the City passed a six-month moratorium on the installation of the signs and conducted major studies as required by state law. He thought two weeks of study would be appropriate for Mr. Liljenquist considering the amount of time already spent studying the issue.

Commissioner Peters stated that the extension of the public hearing was to benefit both sides.

Mr. Topham stated that the public hearing could be extended beyond the next meeting if so desired by the Commission.

Commissioner Holt-Tofte stated that 30 days should be ample time for both sides to conduct research. After that time a determination can be about whether to extend the public hearing again.

Motion: Commissioner Peters tabled his motion until the conclusion of the third public hearing.

3.3 (Project #CU 13-003) Public Comment on a request from Reagan Outdoor Advertising for Conditional Use Approval to Replace One Face of the Billboard Located at 6720 South Wasatch Boulevard with an Electronic Display Sign (Digital Billboard) and Operate the Electronic Display Sign at the Same Location

Mr. Gardner presented the staff report and stated that the proposed sign is on the west side of Wasatch Boulevard. The proposal is to replace the north face of the sign on Wasatch Boulevard to make it visible to people traveling southbound. The sign is smaller than the others discussed earlier in the meeting and is in the middle of an open field. It is currently not illuminated. The sign sits above the surrounding residential terrain.

Jared Johnson with YESCO stated that staff received some feedback from people who are worried that a larger sign is being illuminated and that efforts were made to clear up any confusion. Mr. Johnson stated that there was a great deal of traffic hazard and safety research completed and would be happy to provide the results to those wishing to see it.

Commissioner Lapin asked why the north facing sign was the most desirable.

Mr. Johnson indicated that he was not sure of the exact reason but stated that these are highly commercial routes.

Mr. Regan stated that in the case of the sign on Union Park Avenue there is a residential neighborhood behind it that they do not want to impact and the sign can be situated so it will not affect the residents. This sign on Wasatch is on the same side of the street that cars travel which is why this particular sign was chosen.

Doug Shelby identified himself as the owner of the property that this sign is located on. He is concerned about the ordinance allowing the lessee to apply without the property owner's permission. He expressed concern that the sign will devalue the property and noted that the sign sits on a point that is visible from every residential lot. Mr. Shelby stated that he also owns a sign that he would like to convert to an electronic sign but the ordinance will not allow it because his sign is less than 800 feet from the existing sign. He indicated that his sign should have top priority because he owns the property and asked that the request be denied.

Steve Wilkinson a nearby resident stated that the sign is visible from the rear of his home. He assumes that it is also visible from every other home in his neighborhood. The only positive aspect he can see is that the sign is north facing, however, he is concerned about the light and appearance. Mr. Wilkinson expressed opposition to the sign from a homeowner's perspective.

Michael Wardle a nearby resident expressed his support and recommended approval. He thought the proposed sign will have the least impact on the rest of the neighborhood because it will make it impossible for similar changes to be made to other signs. He noted that if the sign to the north was illuminated it would shine on the neighborhood and be worse than the current sign. Mr. Wardle thought the proposed option was the best alternative for the neighborhood.

Ms. VanFrank reported that the lease was drafted to cover the potential change to add electronics and had been carefully considered. She understands the desire of the competitor to convert his

sign but his application was not the first submitted which is not a sufficient reason to deny the request.

Abey Verbagoshi identified himself as the President of a homeowners' association consisting of 22 homes that would be directly impacted by the sign to the north. He is representing his neighborhood and would like the Commission deny the request.

Eric Vantribune indicated that the sign is visible from his kitchen window and back bedrooms but is not overly noticeable because it is not illuminated. He is concerned about the sign being illuminated at night and recommends that if approved the lighting be required to be turned off at night. While he does not particularly like the idea of a sign he would not object to it if the lighting is turned off at night.

Mr. Regan stated that Reagan Outdoor Advertising would be willing to shut the sign off at a designated time each night and would also consider placing the sign on the south face.

Chair Bolyard indicated that the north facing of the sign is a better option.

***Motion:** Commissioner Peters amended the motion to extend public comment in written form until February 28 for 3.1, 3.2, and 3.3 at which time the Commission will determine if public comment needs be extended. Commissioner Jones seconded the motion. Vote on motion: Ed Ogilvie-Aye, James S. Jones-Aye, Jeremy Lapin-Aye, Jennifer Shah-Aye, Lindsay Holt-Tofte-Aye, Dennis Peters-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.*

3.4 Public Comment on Proposed Amendments to Chapters 19.17 (RR-1-43-Rural Residential Zone), 19.18 (RR-1-29-Rural Residential Zone), 19.20 (RR-1-21-Rural Residential Zone), 19.23 (R-1-15-Residential Single-Family Zone), 19.25 (R-1-10-Residential Single-Family Zone), 19.26 (R-1-8-Residential Single-Family Zone), 19.29 (R-1-6-Residential Single-Family Zone), and 19.31 (R-2-8-Residential Multi-Family Zone) to Add Diagrams, Reformat Text and Amend Accessory Structure Criteria

Community and Economic Development Director Brian Berndt stated that based on direction from the City Council and Planning Commission, staff looked at all of the codes for applicability and current use. They have since began working on updates and revisions. The changes being presented are for the residential portion and include diagrams and tables. The hope is to make the document more user friendly. Mr. Berndt indicated that there are minor changes to some of the language, but the majority of the modifications involved formatting.

There was no public comment. The public hearing was closed.

4.0 ACTION ITEMS

4.1 (Project #ZMA 13-001) Action on a Request from Mark Kizerian and the Olene Walker Housing Loan Fund to Change the Zoning and Amend the Zoning Map from R-1-8 Single-Family Zoning to RO Residential Office Zoning on Properties Located at 6814 and 6826 South Highland Drive, Parcel #22-21-481-009 and 22-21-481-010

Motion: Commissioner Ogilvie moved to recommend approval of Project #ZMA-13-001 to the City Council. Commissioner Jones seconded the motion. Vote on motion: Ed Ogilvie-Aye, James S. Jones-Aye, Jeremy Lapin-Aye, Jennifer Shah-Aye, Lindsay Holt-Tofte-Aye, Dennis Peters-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

4.2 (Project #CU 13-003) Action on a Request from Frank Mylar for Conditional Use Approval to Operate a Law Office Located at 2494 East Bengal Boulevard

Motion: Commissioner Shaw moved to approve Project #CU 13-003. Commissioner Ogilvie seconded the motion. Vote on motion: Ed Ogilvie-Aye, James S. Jones-Aye, Jeremy Lapin-Aye, Jennifer Shah-Aye, Lindsay Holt-Tofte-Aye, Dennis Peters-Abstained, Chair Perry Bolyard-Aye. The motion passed unanimously with one abstention.

4.3 Approval of the January 16, 2013, Minutes

Motion: Commissioner Jones moved to approve the minutes of the January 16, 2013 meeting. Commissioner Lapin seconded the motion. Vote on motion: Ed Ogilvie-Aye, James S. Jones-Aye, Jeremy Lapin-Aye, Jennifer Shah-Aye, Lindsay Holt-Tofte-Aye, Dennis Peters-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

5.0 ADJOURNMENT

Motion: Commissioner Shah moved to adjourn. The motion was seconded by Commissioner Jones and passed unanimously on a voice vote. The Planning Commission meeting adjourned at 7:05 p.m.

Minutes approved: 03/06/2013